

JAJ:BWB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-09-1248

UNITED STATES OF AMERICA

-against-

KATOSH PANTOLIANO,
also known as "K,"

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

EASTERN DISTRICT OF NEW YORK, SS:

AYESHA WINSTON, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

On or about September 28, 2009, within the Eastern District of New York, the defendant KATOSH PANTOLIANO, also known as "K," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery of the owner of a restaurant located in Brooklyn, New York of U.S. currency.

(Title 18, United States Code, Section 1951(a)).

The source of your deponent's information and the grounds for her belief are as follows:

1. I have been a Special Agent with the ATF for five years. During my tenure with the ATF, I have investigated

various federal criminal violations including robberies, narcotics trafficking and homicides. During the course of those investigations, I have conducted physical surveillance, monitored undercover operations, debriefed cooperating witnesses and confidential informants, monitored wiretaps, and interviewed civilian witnesses. I am currently assigned to New York Group II and work with the NYPD/ATF Joint Firearms Task Force ("Task Force").

2. Because this affidavit is being submitted for the purpose of establishing probable cause to arrest, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information set forth below is based upon my experience and training as an ATF Special Agent, my review of documents and other evidentiary items, debriefing of witnesses, and my discussions with other law enforcement agents. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part only.

3. On or about September 28, 2009, at approximately 8:30 p.m., an individual subsequently identified as the defendant KATOSH PANTOLIANO, also known as "K," was observed by an individual ("John Doe 1") standing near John Doe's car which was parked on Ovington Avenue in Brooklyn, New York.

4. Shortly after John Doe saw the defendant KATOSH PANTOLIANO, the defendant pulled a mask over his face and displayed a firearm. According to John Doe, the defendant pointed the gun at him and told John Doe to "give me the fucking knot." John Doe understood this to mean that the defendant was asking for his money.

5. John Doe attempted to back away from the defendant, and asked him not to hurt him. The defendant continued to point his firearm at John Doe and yelled at John Doe to give him the money.

6. John Doe eventually gave the defendant approximately \$1,080. John Doe owned a restaurant in Brooklyn, near the place of the robbery that sold items imported from outside New York state. The money John Doe gave to the defendant was the proceeds from the restaurant on September 28, 2009.

7. After John Doe gave the defendant KATOSH PANTOLIANO, also known as "K," the money, the defendant ran away. As he ran away, the defendant discharged his firearm. Later that night, at approximately 9:15 p.m., officers from the New York City Police Department ("NYPD") recovered a .380 caliber shell casing from the sidewalk in front of 268 Ovington Avenue.

8. Another individual, ("John Doe 2") present at the scene of the robbery, observed the defendant KATOSH PANTOLIANO, also known as "K," holding a firearm, getting into a gray Honda

Accord. John Doe 2 saw the license plate number of the vehicle and provided this information to the NYPD.

9. At approximate 9:40 p.m. that same evening, officers from the NYPD located the above-described gray Honda Accord parked near 190 Battery Place, Brooklyn, New York. Officers found three masks inside of the car. Shortly thereafter, officers saw a man matching the description provided by John Doe and John Doe 2 in front of 305 Battery Place. This man was subsequently identified as the defendant KATOSH PANTOLIANO, also known as "K." The defendant was with another man at the time the officers approached him. The defendant had approximate \$334 on his person and the other man had approximately \$725.

10. That same night, NYPD officers brought John Doe and John Doe 2 to Battery Place, where the defendant was KATOSH PANTOLIANO, also known as "K" was being held. John Doe identified the defendant as the individual that robbed him. John Doe 2 identified the defendant as the individual he observed with the gun, getting into the gray Honda Accord.

WHEREFORE, your deponent respectfully requests that the defendant be dealt with according to law.



AYESHA WINSTON
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me this
17th day of December 2009

EASTERN